

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN E. FELGAR,
Petitioner

V.

**PENNSYLVANIA BOARD OF
PROBATION AND PAROLE,
Respondent.**

C.A. No. 04-196 ERIE

**District Judge McLaughlin
Magistrate Judge Baxter**

ORDER

AND NOW, this 16th day of November, 2005;

IT IS HEREBY ORDERED that Petitioner’s “Emergency Petition for Extraordinary Relief to Vacate Judgment and Sentence” [Document # 20] is dismissed as moot, as the allegations and relief requested therein merely restate the allegations and relief requested in Petitioner’s habeas corpus petition, which will be decided by this Court in due course.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief U.S. Magistrate Judge